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Technical assistance and capacity-building

Panel discussion on the issue of national policies and human rights

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 27/26, in which the Council decided to convene, at its twenty-eighth session, a panel discussion on the issue of national policies and human rights, with a particular focus on the findings of the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on technical assistance and capacity-building options for integrating human rights into national policies, which was prepared pursuant to Council resolution 23/19, to identify challenges, further developments and good practices in mainstreaming human rights in national policies and programmes.

The Council also requested OHCHR to prepare a summary report on the discussions of the panel, and to present it to the Council before its thirtieth session. The present report was prepared pursuant to that request.

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I. Introduction

1. In its resolution 27/26, the Human Rights Council took note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on technical assistance and capacity-building options for integrating human rights into national policies (A/HRC/27/41), prepared pursuant to Council resolution 23/19. In its resolution 27/26, the Council further decided to convene, at its twenty-eighth session, a panel discussion on the issue of national policies and human rights, with a particular focus on the findings of the report, identifying challenges, further developments and good practices in mainstreaming human rights in national policies and programmes. The Council also requested OHCHR to prepare a summary report on the discussions of the panel, and to present it to the Council before its thirtieth session. The present report was prepared pursuant to that request.

2. Pursuant to Council resolution 27/26, a panel discussion was held on 19 March 2015 aimed at exploring further the opportunities for States to integrate their obligations and commitments under international human rights law into national legislation, and to prepare and implement national policies geared towards the full realization of human rights and fundamental freedoms.

3. The panel discussion was chaired by the Vice-President of the Human Rights Council, the Permanent Representative of Paraguay to the United Nations Office and other international organizations in Geneva, Juan Esteban Aguirre Martínez. It was moderated by the Permanent Representative of Lithuania to the United Nations Office and other international organizations in Geneva, Rytis Paulauskas. The Chief of the Americas, Europe and Central Asia Branch, Field Operations and Technical Cooperation Division of OHCHR made an opening statement. The panel comprised the Minister and Executive Secretary of the Ministry of Social Action of Paraguay, Héctor Cárdenas; the National Secretary for Planning and Development of Ecuador, Pabel Muñoz; Professor of Law and former Special Rapporteur of the Human Rights Council Vitit Muntarbhorn; Professor of Law and Director of the Faculty of Law ot the University of Trento, Italy, Giuseppe Nesi; and Responsible Adviser for studies and analysis at the Ministry of National Solidarity, Family and Women's Affairs of Algeria, Dalila Aliane.

4. In his introductory remarks, the Vice-President of the Human Rights Council introduced the panellists and pointed out that the purpose of the discussion was to explore different worldwide experiences of mainstreaming human rights in national policies in order to bridge the gap between legal human rights obligations and their implementation by the State.

Opening statement

5. In his opening statement, the Chief of the Americas, Europe and Central Asia Branch of OHCHR noted that the welcome increase in ratifications of international human rights instruments and the expansion of States' engagement with the international and regional human rights mechanisms had generated a growing need for the implementation of recommendations of the international human rights bodies. In recent years, OHCHR had also seen a marked increase in requests from States for technical assistance. In response to the demand, OHCHR field presences, together with staff at headquarters, had provided support for the development of new and more effective national and sectorial policies, indicators and mechanisms for implementation. In developing their national plans and programmes, many States had adopted human rights-based and results-based approaches. This was essential in order to ensure that all national stakeholders, human rights institutions, civil society actors and other relevant partners had the opportunity to influence and contribute to such processes.

6. Noting that the report prepared by OHCHR pursuant to Council resolution 23/19 was not intended as a blueprint for policy, the Chief of the Americas, Europe and Central Asia Branch gave examples of projects and programmes carried out with national partners across the world, from constitutional reform and transitional justice to the development of human rights indicator frameworks and curricula for human rights education. He emphasized that integrating human rights did not mean merely acknowledging the contents of human rights standards and recommendations when policies were being prepared. The aim was to go far deeper and translate human rights obligations into real and effective change.

7. He stressed that broad-based participation and cohesion were vital components at every stage of policy development. In this regard, the human rights implications of national policies had to be addressed by government ministries, civil servants and parliamentary committees. These processes, however, also needed to include judicial bodies, transitional justice mechanisms, security institutions, statistical systems, national human rights institutions, institutions involving the fight against discrimination, the private sector and—perhaps most crucially—civil society. The examples given in the report were concrete ones and were intended to be an inspiration for States that were looking for good practices to emulate in their own planning and programming. Mr. Magazzeni acknowledged with appreciation the important role of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights in providing invaluable advice and support to OHCHR as it continued to develop its technical cooperation programme.

II. Contributions by panellists

8. In his opening remarks as moderator of the discussion, Mr. Paulauskas introduced the panellists and highlighted their considerable experience and expertise in the field of human rights' implementation and policy development. He said that the panel discussion was very timely, as 2015 marked the global celebration of the seventieth anniversary of the United Nations. He added that since the signing of the Charter of the United Nations in 1945, human rights had constituted one of the three pillars of the Organization, along with peace and development. He said that the Charter was based on the notion that there could be no peace without development, no development without peace, and neither without respect for human rights. He further recalled that during the seventieth session of the General Assembly the international community would debate, articulate and adopt a set of sustainable development goals, to follow on from the progress made towards achieving the Millennium Development Goals. The post-2015 agenda offered a unique opportunity for the international community to renew its commitment to achieving development through the realization of human rights. In this context, and as an opening to the discussion, he asked the panellists to reflect on the following topics: first, how human rights obligations can be translated into real and effective change; second, what the most effective mechanisms are for achieving that goal; and third, how regional and subregional cooperation could be strengthened through a comparative process.

9. He said that Paraguay was engaged in pioneering work in systematizing the implementation of recommendations from the international human rights mechanisms as a basis for national policymaking. In particular, the system for monitoring recommendations, a database called "SIMORE", was an important public tool that facilitated access to information on the status of implementation of recommendations. Acknowledging the innovative aspects of that system, he invited Mr. Cárdenas to explain the main steps in the development of that tool and to highlight how it had helped strengthen the Government's capacity to make human rights an integral part of national planning and programming.

10. Mr. Cárdenas noted that in recent years social policy in Paraguay had changed significantly, moving closer towards a rights-based approach, with the broad participation of people living in poverty and in a state of vulnerability. Institutional strengthening had been identified as key in order to achieve those objectives. That had led to considerable structural change in public institutions, with an increased focus on training civil servants and promoting the participation and empowerment of rights holders. In this framework, the Ministry of Social Action had requested technical assistance from OHCHR to strengthen the technical capacities of civil servants to ensure that a rights-based approach was integrated into public policies. The assistance also included advice on follow-up to international human rights recommendations linked to the issue of poverty, as well as assistance in the development of indicators for economic, social and cultural rights. In this context, 205 government officials had been trained and of these, 29 had become trainers themselves. A capacity-building manual was also being drafted with a view to preparing a training programme for all civil servants and State institutions. The training materials would also be made accessible to vulnerable families participating in the Ministry's programmes. A specific regional plan for the Department of Kiwasul was being developed as a matter of priority in the Government's poverty reduction strategy.

11. Mr. Cárdenas expressed appreciation for the assistance received from the United Nations human rights adviser in developing this programme. The Ministry was also putting in place participatory and human rights-based initiatives for indigenous peoples, aimed at promoting access to social services and increasing food security in these communities. A cash-transfer programme was in place to assist people living in extreme poverty and persons with disabilities. Also, a participatory gender programme was geared towards guiding government action to promote equal opportunities for women and men.

12. He said that the online database SIMORE enabled the public to track follow-up by State institutions to the recommendations from the treaty bodies, special procedures and the universal periodic review. The Ministry had also initiated a project to formulate and operationalize indicators for economic, social and cultural rights, disaggregated by gender, geographic location and other key characteristics, to facilitate more targeted policies and interventions.

13. Turning to Mr. Muñoz, Mr. Paulauskas took note of the atlas of socioeconomic inequalities developed by the Government of Ecuador as a major innovation in the realm of social development and inclusion. He asked Mr. Muñoz to explain how that approach had helped the Government reach the most vulnerable and disadvantaged, and to share his views on how scarce resources could be best dedicated to have an effective impact on the realization of economic and social rights.

14. Mr. Muñoz said that human rights had to underpin all discussions about development, adding that a requirement to take human rights fully into account in public policy was enshrined in the Ecuadorian Constitution. He pointed out that in the experience of Ecuador, the concept of "living well" was far more important than the mere promotion of economic growth. This notion also had to be given a key role in the development of the post-2015 agenda—a process in which Ecuador was taking an active role. He said that the Constitution of Ecuador provided for a State based on justice and rights. The Government believed that there was no hierarchy of rights and pursued a policy that placed human beings at the centre of progress. All public planning followed a human rights-based approach, including the right to water, food, a healthy environment, communication, science, education, accommodation, health, work and social security. He said that the realization of human rights was also a cross-cutting theme in all government policies, which were designed and implemented in an inclusive and participatory manner, especially with regard to persons with disabilities, minorities and women.

15. In 2009, the Government put in place three plans for poverty reduction, which were implemented through a human rights-based process. Since then, poverty had been reduced by 15 per cent and inequalities had been narrowed through targeted government policies. At the same time, the health system had been strengthened, and public trust in public services had increased over time. Ecuador, together with the Plurinational State of Bolivia, had the lowest unemployment rate in the region—at around 3.8 per cent. The justice system was being strengthened, and Ecuador now had the lowest murder rate in the region, and overcrowding in prisons was being successfully addressed.

16. Mr. Muñoz said that the key to success had been a determined effort by Ecuador to narrow social and economic inequalities through a human rights-based approach to poverty reduction. Precise targeting of policies had enabled the Government to devise effective strategies to improve education, social security and access to work for vulnerable populations. Public policies had also been designed to pinpoint specific challenges at the regional level, so as to address geographic disparities. The aim was to guarantee social protection through all life stages. The Government had committed itself to eradicating poverty in Ecuador by its term limit in 2017. Ecuador was also heading two regional networks in Latin America, under the auspices of the Economic Commission for Latin America and the Caribbean, focusing on combating cross-border development challenges.

17. Turning to the third panellist, Ms. Aliane, the moderator noted that broad-based participation was widely recognized as a key element of sustainable development. In that regard, he invited her to share some of the lessons Algeria had learned about promoting the participation and inclusion of women in public life as an integral part of national development.

18. Ms. Aliane said that Algeria had its own values and civilization, which were duly reflected in the country's Constitution and legislation. The country was working to expand the space for human rights implementation and was determined to assume its responsibilities and international obligations. Algeria was convinced of the value of investing in social capital as a means to combat poverty. Government programmes included initiatives to promote the rights of women, especially regarding education from primary school to university. Currently, 63 per cent of all holders of university diplomas were women.

19. Women's rights were also mainstreamed into ongoing efforts for national reconciliation, as well as in various microcredit schemes to support development projects in agriculture and small business. A national solidarity fund provided support to disadvantaged people to overcome exclusion and break out of poverty. Algeria had more than 100,000 associations active in the social and cultural fields, which also played an active role in supporting women. Around 1 per cent of all public funds were devoted to persons with disabilities. The panellist noted that youth represented around 70 per cent of the population. The Ministry of Youth was responsible for programmes and initiatives to combat child labour and for devising special measures for youth and orphans.

20. Women in Algeria had the opportunity to participate in development initiatives and efforts were made to ensure a participatory society. This was enshrined in domestic law in line with commitments under international conventions. Women held 30 per cent of all public positions—the highest proportion in the Arab world and the twenty-seventh highest in the world. Women further presided over courts and held many decision-making positions. The current Government had seven women ministers, and the Army had several women among its generals. Women were also active in economic life and frequently candidates in elections, including for the presidency. Algeria further had a National Council for Women and the Family, and a National Research Centre to generate data to guide public policy. A proposal was being put forward to create a fund to support divorced women.

21. The moderators asked the fourth panellist, Mr. Muntarbhorn, to share his experience as a former Member of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights, especially regarding the main challenges in ensuring impact of projects on the ground.

22. Mr. Muntarbhorn identified five initial considerations that should be kept in mind when examining the effectiveness of technical cooperation initiatives in the field of human rights. Firstly, in less open settings, the promotion and protection of political rights was often quite difficult. However, there was still a lot of space to enhance protection, particularly with regard to economic, social and cultural rights, with an emphasis on poverty and specific groups such as women and children, as well as aspects of environmental protection. Secondly, in all settings, there was the challenge of discrimination, and this was being tested by the need to protect not only the nationals of the country, but also non-nationals, such as refugees and migrant workers. That was one reason why human rights programmes should be anchored in the principle of non-discrimination both in spirit and in practice. Thirdly, United Nations-backed funds and programmes should reach out not only to government officials and ministries, but also to non-governmental actors and civil society at large, with due regard to gender sensitivity and child responsiveness, as an invitation to find creative ways to support these groups. Fourthly, the establishment of United Nations human rights presences in countries that have difficulties meeting their obligations was a welcome development. This was being done directly through OHCHR offices or, more indirectly, through United Nations country teams or human rights advisers. The successful mainstreaming of human rights, in turn, depended on the following: the presence of good laws, policies and plans; enforcement; strong and capable institutions and personnel, including national human rights institutions; resources and national budgets; good information and monitoring; good education and capacity development; and good participation and networking between various stakeholders. The sustainable development goals presented a golden opportunity to make real progress in all these areas.

23. Mr. Muntarbhorn noted that in Thailand, policies and plans, especially national human rights action plans, had proven to be very useful entry points. Since 2001, the country had already developed three such plans. The strength of the first plan was that it had been designed based on broad participation and consultation, matching national standards with international law. It also aimed at providing various groups with enhanced protection. However, the main weakness of the plan was poor coordination.

24. The second plan provided for participation by a broader segment of the population. The third, and current, plan was much better prepared, through a strong participatory and consultative process, coupled with a good database and analyses by universities. Importantly, the Ministry of Justice was now the main coordinator of implementation and received regular reports from other line ministries every year as an important means of monitoring and accountability.

25. Mr. Muntarbhorn finally proposed to test the implementation of these measures against a set of five questions: (a) who, for whom and with whom; (b) what rights; (c) how to implement; (d) where and when; and (e) by what means. With regard to the first question, the plan targeted State authorities, in particular key actors with considerable human rights impact, such as the Ministry of Defence. The activities under the plan would target women and children, as well as asylum seekers, persons with disabilities, drug addicts undergoing rehabilitation and, as an innovation, issues related to sexual orientation, such as civil unions. The plan would further be broadened to cover persons deprived of their liberty.

26. It opened up opportunities for stakeholder participation, particularly cooperation with civil society and the business sector, along with international cooperation. As to which

rights the plan would cover, the aim should be to match priorities with recommendations arising from the universal periodic review, as well as from the treaty bodies and special procedures. An innovation of Thai plan was to abolish the death penalty. An important challenge would be how to match the need to protect civil and political rights with national security laws, including martial law, emergency decrees and criminal law provisions that affected the enjoyment of freedom of expression and assembly.

27. Regarding implementation, Mr. Muntarbhorn emphasized the importance of enforcement of the law by the court system, securing sufficient resources, as well as cooperation with civil society. As to where and when to act, the plan was to be implemented during a five-year period, including in regions of unrest, such as in the south of the country. Finally, he said that while it was important to recognize that resources were naturally linked to budgets, the effectiveness of the programme depended on good coordination, systematic monitoring and capacity development within the Ministry of Justice, based on the results of evaluations.

28. The moderator asked Mr. Nesi to explain how the Italian Interministerial Committee for Human Rights was able to meaningfully affect the national situation. He also asked him to reflect on how the Committee related to the various European Union entities in charge of policy-setting, such as in relation to asylum seeking, trafficking and border control. He further asked him to share his experiences of how all stakeholders could be successfully involved within large and complex European Union policy-setting mechanisms in order to strengthen regional and subregional cooperation. As a slightly provocative twist, the moderator asked whether one could say that there was an optimal balance to be struck between participation and effectiveness in national policy-making.

29. At the outset, Mr. Nesi said that, although Italy remained engaged in and committed to international norm-setting, issues concerning the integration of human rights in national policies had been at the centre of much debate in recent years. Among the various national bodies that had had a meaningful impact on human rights in national policies he highlighted the Italian Interministerial Committee for Human Rights, established in 1978 at the Ministry of Foreign Affairs and International Cooperation, as an institution meriting particular attention.

30. He said that in the previous 18 months, the Inter-ministerial Committee had strengthened its role in the implementation of human rights in Italy and the integration of human rights in national policies. In particular, it had become an essential focal point for any branch of the State administration for incorporating human rights in the national legal system. It could be seen as a form of clearinghouse for State policy and action in several fields linked to human rights.

31. Ten ministries were represented at the meetings of the Committee and participated in its work, together with other relevant public institutions, including local authorities. Recently, the Interministerial Committee had assumed a crucial role in coordinating Italy's response to complex international crises, such as forced migration and human trafficking, while respecting fundamental human rights.

32. With input from other line ministries, he said that the Interministerial Committee prepared the periodic and ad hoc reports that Italy presented to the human rights monitoring bodies of international organizations (United Nations and Council of Europe), and monitored follow-up to those reports. It was also responsible for the systematic examination of the legislative, administrative and regulatory measures adopted by national authorities as follow-up to international commitments under international human rights instruments to which Italy is a party. The Interministerial Committee was also in charge of outreach towards civil society and the promotion of debates on human rights. Through its database it

was able to follow the status of implementation of Italy's international human rights obligations.

33. It had also set up several working groups on specific issues, including on the universal periodic review, civil and political rights, racial discrimination and torture, women and gender issues, rights of the child, economic social and cultural rights, disabilities, and the development of a core document for the international treaty bodies, which was completed in 2014.

34. In July 2014, it had submitted the second national report to the Human Rights Council for the universal periodic review. It had prepared the report through a complex procedure of consultation and coordination. This process had involved discussing a number of sensitive issues, such as: (a) immigration, asylum and the rights of migrants; (b) the fight against racism; (c) the treatment of Roma and Sinti communities; (d) the administration of justice and the treatment of detainees; (e) counter-terrorism legislation and the expulsion of aliens; (f) national institutions for the protection and the promotion of human rights; and (g) protection of the most vulnerable.

35. He said that the Interministerial Committee very actively promoted outreach to civil society and awareness-raising in the field of human rights. It was engaged in consultations with non-governmental organizations on the implementation of the country's international commitments at the United Nations and the Council of Europe. It also actively cooperated with universities, promoting academic initiatives in the field of human rights, including the right to peace, environmental sustainability, education and the protection of cultural heritage. Italy had for many years pursued the establishment of a national human rights institution, which, when established, would be a welcome complement to the Inter-ministerial Committee.

III. Plenary discussion

36. During the panel discussion, representatives of the following States and organizations took the floor: Algeria, Bahrain, Burkina Faso, China, Colombia, Congo, Ecuador (on behalf of the Economic Commission for Latin America and the Caribbean), Estonia, France, Greece, India, Indonesia, Iran (Islamic Republic of), Mexico, Morocco, Namibia, Pakistan (on behalf of the Organization of the Islamic Conference), Paraguay, Peru, Portugal, Republic of Moldova, Russian Federation, Thailand and Venezuela (Bolivarian Republic of), as well as the European Union. Representatives of the following national human rights institutions and non-governmental organizations also took the floor: Americans for Democracy and Human Rights in Bahrain, Conseil national des droits de l'homme du Maroc, International Service for Human Rights, Korea Center for United Nations Human Rights Policy, Scottish Human Rights Commission (video statement) and Verein Südwind Entwicklungspolitik.

37. In their comments, many representatives praised the technical assistance provided by OHCHR and acknowledged the value of using a human rights-based approach when planning, implementing and monitoring national policies. The High Commissioner was encouraged to continue supporting States with technical assistance and advisory services in mainstreaming human rights in public policymaking and policy implementation. Delegations also underlined the importance of ensuring that policies were conceived founded on broad-based participation and consultative processes that engaged all the relevant stakeholders in the country. That was particularly important in countries with large and diverse populations. Transparent and impartial mechanisms for cooperation were important to ensure the quality of support. There was further general agreement that exchanging best practices was an important tool for policymakers to identify suitable

models for the implementation of human rights through public policies and programmes. National policies and programmes formed a vital bridge between norms and concrete State action on the ground.

38. Most delegations highlighted the value of the recommendations from international human rights mechanisms as a basis and guidance for national policymaking, in line with the fundamental principles of non-discrimination, impartiality, non-selectivity, accountability, transparency and the rule of law. Panellists were asked to elaborate on how international human rights mechanisms could contribute to implementation at the national level. Some delegations noted that States implemented their human rights obligations in line with their national constitutional structure and cultural dynamics. They stressed that human rights-based programmes were most effective when they took into account such special national circumstances and were aligned with national development priorities.

39. Note was also taken of the role of national human rights institutions in monitoring and supporting the implementation of human rights-based policies and programmes at the national level. Participants shared their experiences of developing and implementing national human rights action plans, and there was general agreement that such plans were vital to the effective implementation of human rights as they ensured that all public policies were in line with a country's international human rights obligations. Participants underlined the importance of developing such plans in a participatory manner that allowed wide segments of the population to contribute. Many delegations emphasized the invaluable contribution of civil society in the protection and promotion of human rights in their countries.

40. Most delegations agreed that coordination and coherence were key to successful policymaking and implementation, and many gave examples of various standing committees and other institutions they had established in order to support the effective protection and promotion of human rights. The availability of sufficient resources, both monetary and human, was referred to by many participants as a common obstacle to progress in this field. The need for further capacity development on human rights mainstreaming and implementation among key State officials and institutions was also emphasized by many participants. Additional international cooperation and support at the request of States was needed to address these gaps.

41. Delegations appreciated the fact that the format and arrangements of the panel discussion had been adapted to accommodate persons with disabilities, including through captioning and other special measures. Many expressed the hope that in the future all sessions of the Human Rights Council could follow the same adapted format.

42. Several delegations emphasized the importance of using well-crafted human rights indicators as an analytical tool that allowed policymakers to identify social and economic disparities that affected specific locations or particularly marginalized or vulnerable groups. They further recognized that precise indicator frameworks were needed in order to measure impact and progress in the implementation of public policies and programmes. The panellists were asked to share ideas of how such indicators could be further developed and better used in improving rights-based policies at the national level.

43. Non-governmental organizations strongly supported human rights-based approaches to policy development and implementation at the national level, and urged States to renew their efforts to ensure broad-based participation of all segments of society in such processes. Whereas there was strong support for national human rights action plans, some organizations observed that not all plans were fully inclusive and participatory in their approach, thus limiting their impact and effectiveness. Some organizations also called for more effective and consistent follow-up to international human rights recommendations,

while others identified the rights of migrants and other non-nationals as requiring further attention.

44. With regard to the use of human rights indicators, it was noted that specific outcome indicators were needed alongside structural and process-oriented indicators. One participant also lamented the lack of inclusiveness and genuine participation in some instances when national plans had been developed. OHCHR was further encouraged to provide more assistance to States to strengthen the protection of human rights defenders. Special measures were needed to address instances of threats, attacks and reprisals against individuals who cooperated with international human rights institutions. National action plans on business and human rights also needed to include measures to protect human rights defenders. States were therefore encouraged to adopt guidelines for the protection of human rights defenders, along the lines of policies developed by Finland, Ireland, the Netherlands, Norway and Switzerland.

45. One national human rights institution underlined the importance of engaging a wide range of partners across government in drawing up and implementing national human rights action plans, and outlined its own experience of promoting access to justice and child rights through a national action plan.

46. The moderator then asked the panellists to respond to the comments and questions from the floor. Mr. Magazzeni agreed that human rights indicators were essential in the implementation of human rights standards and were key to transparent and effective policy development and impact assessment. He said that in response to the strong demand from States, OHCHR had developed a human rights indicator framework, which was available to all States as guidance on how to better monitor and implement their human rights obligations.

47. On the issue of alignment of human rights recommendations with national development priorities, Mr. Magazzeni referred to experiences that showed how national human rights action plans and national coordination mechanisms could support implementation, especially when they were designed and implemented in an inclusive and participatory manner. He said that it was also important to include regional standards and recommendations from regional human rights bodies as part of a coordinated and coherent policy framework for human rights implementation at the national level.

48. Mr. Cárdenas said that policy implementation through a human rights-based approach was the best way to ensure that all rights-holders could be part of the process and benefit from the outcomes. He underlined that it was the responsibility of the State, through all its organs—judicial, legislative and executive—to ensure that human rights were realized through public policies and action. People needed to be made aware of their rights and empowered to claim what they were entitled to. That required training of both duty-bearers and rights-holders, especially the most vulnerable and marginalized groups such as indigenous communities or persons with disabilities. Government officials needed to be better equipped to work with these target groups. Non-governmental organizations also had a vital role in educating and empowering people to know and claim their rights.

49. Mr. Muñoz said that human rights had been introduced as a cross-cutting theme in Ecuador's national development plan, and that all civil servants were being held accountable for their performance in implementing human rights in their respective fields. He fully agreed that coordination and participation were key to successful policy planning and implementation, and explained that Ecuador had taken decisive steps to address the lack of coherence and inclusiveness in its own implementation framework.

50. Ms. Aliane noted that setting up strong human rights institutions at the national level was a priority, adding that this had to be supported by adequate legislation to facilitate the implementation of decisions and recommendations. Such initiatives had to be based on

solid research and reliable data, so that policy measures could reach the most marginalized and vulnerable.

51. Mr. Muntarbhorn referred to the multifaceted nature of technical assistance, which could consist of funds, capacity-building, advisory services, education, information sharing, technology exchange and other forms of cooperation. He also observed that delivering technical assistance in conflict situations was a complex and challenging task. He said that the United Nations had two main funds for human rights technical cooperation: the Voluntary Fund for Technical Cooperation in the Field of Human Rights, and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. He added that there was more room for developing South-South cooperation under the auspices of these funds. He also said that un-earmarked funds gave more flexibility for OHCHR to manage and allocate resources for its programmes. He said that new ways for civil society to access such funds should be explored.

52. The United Nations Secretariat had additional funds that also supported human rights implementation, such as the Democracy Fund and the Human Security Fund. The United Nations development assistance frameworks and the common country assessments also provided entry points for United Nations support for human rights implementation in cooperation with national Governments and civil society partners.

53. The ongoing work to articulate the sustainable development goals offered yet another opportunity for human rights cooperation. He said that international cooperation, including through South-South and multi-partner arrangements, had to be coupled with efforts to mobilize civil society and the business community, and introduce more systematic human rights auditing of budgets. National and local-level budgets also needed to be reviewed to better respond to human rights priorities.

54. Mr. Nesi referred to United Nations assistance to the European Union in setting up frameworks to combat trafficking in human beings as a positive example of how the Organization could contribute to regional arrangements generally and to European Union policies specifically. Underlining the importance of international cooperation by all parties concerned in the fight against human trafficking, Mr. Nesi commended the European Union on its initiative in benefiting from United Nations advice and assistance in this particularly complex and sensitive field.

55. In the second round of comments and questions from the floor, delegations again underlined that all human rights were universal, interdependent and interrelated. Many recognized that human rights protection and promotion as a cornerstone for development, reconciliation, peace and security. Some speakers emphasized that States had the right to choose the framework that was best suited to their particular needs. International cooperation in support of national efforts should therefore be based on requests from the States concerned and be implemented in close cooperation with the national authorities.

56. Delegations also called for closer adherence to the recommendations of the treaty bodies, special procedures, the Working Group of the Universal Periodic Review and OHCHR in the development of national policies and strategies for the implementation of human rights. Others drew attention to the crucial role of civil society and national human rights institutions in supporting the development of human rights-based policy and development frameworks that ensured a link between international legal commitments and domestic implementation. One delegation asked the panellists for their views as to how non-State actors could be more closely involved in defining national policies, so as to ensure that those frameworks were more respectful of human rights.

57. Another speaker highlighted the merits of holding annual gatherings of politicians, civil society and the general public to discuss major policy issues, such as migration and

State budgeting. Others gave examples of State bodies set up at the highest level, and with a broad representation of civil society, to ensure coordination and coherence in policymaking.

58. Many delegations agreed that constitutional guarantees for human rights protection and promotion, as well as participation and inclusion in public life, were essential for sustainable development and poverty reduction. National human rights action plans were instrumental in strengthening human rights protection for vulnerable groups, including migrants, persons living with HIV/AIDS and persons at risk of discrimination because of their sexual orientation.

59. One delegation gave examples of how national policies could be developed with a view to protecting the rights and interests of indigenous peoples and raising public awareness of human rights and fundamental freedoms. There was general agreement on the need, globally, to strengthen measures to promote and protect the rights of persons with disabilities through appropriate planning of transportation, housing, education and other facilities.

60. Technical assistance in the field of human rights was recognized as pivotal in ensuring the alignment of national policies with international legal norms and commitments. Member States who could afford to do so were encouraged to contribute generously to the Voluntary Fund for Technical Cooperation in the Field of Human Rights and the Voluntary Fund for Financial and Technical Assistance in the implementation of the universal periodic review. It was recognized that OHCHR would need additional funds to be able to help States address capacity and implementation gaps. Assistance in implementing universal periodic review recommendations was deemed particularly important in this regard.

61. One delegation asked the panel to reflect on the main challenges in building human rights indicators systems, and provide best practices of involving civil society in strengthening human rights policies. Another speaker referred to the role of OHCHR in advising the European Union in developing its anti-trafficking policies and in training border guards on how to apply and respect relevant international human rights standards.

62. One national human rights institution underlined the importance of participatory and inclusive processes in the design and implementation of national development plans. Such initiatives also needed to be accompanied by legal reform and institutional strengthening so that policy objectives could be translated into reality for all.

63. A speaker representing civil society expressed concern that, despite technical assistance, some States still failed to establish adequate accountability frameworks and protect human rights defenders from threats and physical attacks. The speaker asked the panel to comment on how States could be made more accountable for realizing human rights beyond the mere enactment of legislation.

64. Another non-governmental organization pointed out that sanctions were often used as excuses by some countries for not living up to their human rights obligations. The speaker asked the panel what steps could be taken if there was a lack of political will on the part of States to respect human rights.

IV. Concluding observations

65. **Following the second round of comments and questions, the Chair gave the floor to the moderator and the panellists for their concluding observations. Mr. Muntarbhorn, responding to a query about the role of non-State actors in policy development, said that the term was very broad and was often understood to encompass not only civil society, but also the business sector and the media. As the**

main entry points for non-State actors, Mr. Nesi identified consultative processes and mechanisms such as public hearings, enquiries and other open forums for discussion and exchange of views. Other avenues could include local and national assemblies.

66. He said that human rights impact assessments were also important as they allowed all stakeholders and beneficiaries to be part of the national planning process. However, real participation needed to be broad-based and pluralistic, and to include vulnerable and marginalized groups. The business sector had an important role to play through corporate social responsibility, which also needed to be based on participation and inclusiveness. The importance of accountability in development was also increasingly recognized within the United Nations system. In this regard, it was necessary to understand accountability as a strategy consisting of several important elements. The first and foremost component was a functioning national justice system. If the national system did not work, one had to turn to linkages between national and international accountability.

67. Mr. Nesi observed that the role of the International Criminal Court was often mentioned and he recalled the possibility that permanent members of the Security Council had to block the prosecution of specific cases through the use of their veto. This, in turn, had led the discussion towards considering the possible role of the General Assembly in endorsing the prosecution of cases or setting up special ad hoc tribunals. A State could in some instances also resort to extraterritorial jurisdiction in pursuing its nationals for criminal acts committed abroad or when its nationals had become victims of acts outside its territory. Another option to explore was universal jurisdiction through which a State could use its jurisdiction to pursue non-nationals regardless of where the crimes had been committed. With regard to national policymaking, the most essential elements were good laws linked to effective enforcement measures through the courts. National human rights institutions also had a crucial role to play.

68. Mr. Magazzeni underlined the important contribution national human rights institutions and civil society could make to national policy development and implementation. Those actors could help identify capacity and implementation gaps, and monitor implementation against indicators and benchmarks. Through their involvement with international mechanisms, such as the universal periodic review, they could also participate at the international level. In the experience of OHCHR, national human rights action plans had proven to be effective instruments for coherent and effective human rights implementation.

69. He said that the most successful plans included a strong element of participation, involving all relevant stakeholders. The Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights had also observed that a human rights-based approach involving civil society and national human rights institutions at all stages of national planning was essential to the effective implementation of programmes. Broad participation also strengthened national ownership, which, in turn, increased the impact and sustainability of development initiatives.

70. Mr. Nesi said that many States gave primacy to international law over domestic legislation, which could be the best way to ensure that the country's human rights obligations were incorporated into national policies. It was also important for judges to be aware of that principle and take it into account in their work to render justice through the national court system.

71. Mr. Cárdenas said that the use of human rights indicators was a key instrument in policymaking in Paraguay. Such frameworks were being used to

monitor the implementation of international human rights recommendations and to facilitate follow-up action by the legislative, executive and judicial authorities. That mechanism provided all citizens with access to information so that they could follow how the State was making progress in implementing its policies. Paraguay was also benefitting from technical assistance from OHCHR in developing specific indicators for the implementation of economic, social and cultural rights, to allow for the disaggregation and monitoring of social and economic data. A comprehensive indicator framework also made it possible to better monitor budgetary allocations for the implementation of rights-based policies.

72. Mr. Muñoz emphasized the need to go beyond traditional development indicators, which usually focused on economic growth and gross domestic product measurements. In this regard, Ecuador had established national goals for "living well", measured through the use of human rights indicators. The Constitution further provided for broad-based participation in national policy processes and in the preparation of development plans. As a measure of accountability and transparency, the National Assembly had to adopt national development plans before they entered into force.

73. Ms. Aliane underlined the importance of ensuring that women could fully and meaningfully participate in all aspects of national planning and decision-making. Women constituted an invaluable talent pool that had to be used effectively for national development. Through clear political will, Algeria had been able to make considerable progress in the advancement of women, in terms of legal reform and institutional strengthening.

74. In concluding the discussion, the moderator thanked the panellists, delegations, national human rights institutions and non-governmental organizations for their interventions and contributions. He recalled that the aim of the panel discussion had been not to propose one single model for policies, but rather to share good practices that could inspire States in their pursuit of national polices and strategies for the implementation of human rights. One theme that had been emphasized by most participants was the need for national action to be based on participation, inclusion, non-discrimination, accountability and the rule of law. There had also been general agreement on the importance of engaging civil society and national human rights institutions in all stages of national planning and decision-making. Finally, the moderator noted the crucial role of international cooperation, including South-South cooperation, in providing effective technical assistance and capacity-building to all relevant partners.